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Atty. Docket No.: P70330US0

**REMARKS**

The Office Action mailed November 29, 2007, has been carefully reviewed and, by this Amendment, Applicants have amended claims 3, 6-20, and 23-25, and added new claims 26-28. Claims 3, 6-20 and 23-28 are pending in the application. Claims 3, 6, 7, 13, and 23-25 are independent.

To facilitate prosecution, Applicants conducted a telephone interview with Examiner Schell on February 21, 2008. Applicants sincerely thank Examiner Schell for her time and cordiality in conducting the interview.

During the interview, the Examiner's rejection of claims independent claims 3, 6, 7, 13 and 23-25, and hence all claims dependent thereon, on the basis of 35 U.S.C. 112, second paragraph, was discussed. Particularly, Examiner Schell had rejected these independent claims as being unclear with respect to the source of the gas being pumped into the reservoir as well as the source of the gas used to inflate the fixation member which has an inflatable cuff.

Applicants' representative, Suzin Bailey, discussed this rejection with Examiner Schell, explaining that any number of gas sources may be used, consistent with the claimed invention and as described in the specification, and that having to specify only one

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of the possible sources would unduly limit the claims. Particularly, Applicants' representative noted the text on page 6, lines 7-19, which relates directly to this aspect of the invention and sets forth that "the inflating medium" for the cuff may be any suitable fluid, whether ambient air or any other gas or liquid drawn from a container that may be used to "inflate" or "distend" the cuff. Similarly, the gas being pumped into the reservoir can also be drawn from a specific fluid source or from the ambient air, as with a pump embodied as a bulb or bellow pump (see page 4, lines 13-14; page 7, lines 16-18; and page 13, lines 8-14).

Accordingly, consistent with the discussion between Applicants' representative and Examiner Schell in regard to this rejection, claims 3, 6, 7, 13 and 23-25 do comply with the definiteness requirements of 35 U.S.C. 112, second paragraph. Favorable reconsideration and withdrawal of this rejection, both with respect to the independent claims and the claims dependent thereon, is requested.

In the Office Action, the Examiner also specifically rejected claims 8, 10, 16 and 18 under 35 U.S.C. 112, second paragraph, as reciting the limitation "the periphery" without proper antecedent basis, and rejected claim 23 as reciting the limitations "the first position" and "the second position" without proper antecedent basis. Applicants have corrected these

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antecedent basis issues in the noted claims through the amendments set forth herein.


Finally, the Examiner rejected claim 13 as having unclear phrasing in the last two lines, and rejected claim 25 as being unclear with respect to the phrase, "said tubes may be individually compressed to a *fluid tight position*" (emphasis added).

With the foregoing amendments, the noted text has been deleted from claims 13 and 25. New claim 28, which presents a comparable limitation to that of the deleted text from claim 25, is clear in stating that the tubes are compressed to prevent fluid flow therethrough, and is supported on page 20, lines 16-18).

The application is now presented as being in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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